

### **REMARKS**

Claims 1-7, 11, 13-17, 19-24, 26, 28-30, 32-34, 36, 37 and 39 have been amended. Claims 6, 18 and 25, and 31 have been canceled and the subject matter of each of these claims incorporated into claims 1, 13, and 26, respectively. Claims 1-5, 7-17, 19-24, 26-30 and 32-42 are currently pending in this application. Applicant reserves the right to pursue the original and other claims in this and other applications. Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

Claims 13 and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 13 and 26 have been amended and, as such, Applicant respectfully submits that claims 13 and 26 are now in compliance with 35 U.S.C. § 112. Applicant requests that the rejection of claims 13 and 26, and 14-25 and 27-42 which depend from claims 13 and 26, respectively, be withdrawn and the claims allowed.

Claims 13-25 stand rejected under 35 U.S.C. § 101 for not being drawn to statutory subject matter. Claim 13 has been amended to incorporate the subject matter of claim 25, as suggested by the Office Action. Claim 13 is now directed to statutory subject matter (a computer-readable recording medium) and as such, claims 13-24 are in compliance with 35 U.S.C. § 101. Applicant respectfully requests that the rejection of claims 13-24 be withdrawn and the claims allowed.

Claims 1-5 and 26-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Imai et al. (U.S. Patent No. 6,587,415) ("Imai"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 1 and 26 have been amended to include the limitations of claims 6 and 31, respectively. As admitted by the Office Action, Imai does not disclose, teach or suggest a "boundary determination step for determining whether information about a boundary between the recorded zone and the non-recorded zone has been obtained" or that a "non-recorded zone

determination step” is “performed when the boundary determination step determines that the information about the boundary has not been obtained.” Office Action at pages 7-8 and 14.

Accordingly, claims 1 and 26 are allowable in view of Imai. Claims 2-5 depend from claim 1 and are allowable along with claim 1. Claims 27-31 depend from claim 26 and are allowable along with claim 26. Applicant respectfully requests that the rejection of claims 1-5 and 26-30 be withdrawn and the claims allowed.

Claims 6-12 and 31-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Udagawa (U.S. Patent No. 5,920,526) (“Udagawa”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 6 and 31 have been canceled and their subject matter incorporated into claims 1 and 26, respectively; therefore the rejection as to these claims is moot. Claims 7-12 and 32-42 depend from claims 1 and 26, respectively. Claims 1 and 26 are allowable over Imai for at least the reasons discussed above. Applicant respectfully submits that claims 1 and 26, as amended, are also not obvious in view of the combination of Imai and Udagawa.

Udagawa is relied upon as teaching “a boundary determination step for determining whether information about a boundary between the recorded zone and the non-recorded zone has been obtained.” Office Action at page 8. Applicant respectfully disagrees. The Office Action points to Udagawa (col. 2, lines 25-32), as describing “RF signals reproduced from the write-once optical disc are detected during track jump in order to detect the boundary between a recorded area and an unrecorded area on the once-write optical disc.” Office Action at page 8. Applicant respectfully submits that this portion of Udagawa describes only determining the boundary; it does not describe the “boundary determination step” as claimed which recites “determining *whether information* about a boundary between the recorded zone and the non-recorded zone *has been obtained.*” (emphasis added). The boundary determination step of the claimed invention does not determining the boundary but determines whether the boundary information has been previously obtained, and if it has not, then the “non-recorded zone determination step” occurs.

Accordingly, claims 1 and 26 are not obvious in view of the cited combination. Claims 7-12 depend from claim 1 and are allowable along with claim 1. Claims 32-42 depend from claim 26 and are allowable along with claim 26. Applicant respectfully requests that the rejection of claims 7-12 and 32-42 be withdrawn and the claims allowed.

Claims 13-17 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Hirose (U.S. Patent No. 6,560,170) ("Hirose"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 25 has been canceled and its subject matter incorporated into claim 13; therefore the rejection as to this claim is moot. As previously discussed, Imai does not disclose, teach or suggest, a "boundary determination step for determining whether information about a boundary between the recorded zone and the non-recorded zone has been obtained" or that a "non-recorded zone determination step" is "performed when the boundary determination step determines that the information about the boundary has not been obtained," as recited by claim 13. Hirose is relied upon as disclosing a program, a read command monitoring step, and a computer-readable recording medium. Office Action at pages 16-17. Hirose, however, does not remedy the deficiencies of Imai discussed above with reference to claim 1.

Accordingly, claim 13 is allowable in view of the cited combination. Claims 14-17 depend from claim 1 and are allowable along with claim 1. Claims 32-42 depend from claim 26 and are allowable along with claims 26. Applicant respectfully requests that the rejection of claims 13-17 be withdrawn and the claims allowed.

Claims 18-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai and Hirose in further view of Udagawa. This rejection is respectfully traversed and reconsideration is respectfully requested.

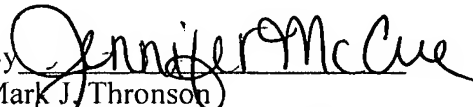
Claim 18 has been canceled and its subject matter incorporated into claim 13; therefore the rejection as to this claim is moot. Claims 19-24 depend from claim 13. Claim 13 is allowable over the combination of Imai and Hirose for at least the reasons discussed above. Udagawa is relied

upon for the same reasons as for claim 6. Office Action at page 19. Therefore, for at least the same reasons as discussed above with respect to claim 1 (amended to include the subject matter of claim 6), Applicant respectfully submits that claim 13 is not obvious in view of the cited combination. Claims 19-24 depend from claim 13 and are allowable along with claim 13. Applicant respectfully requests that the rejection of claims 19-24 be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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